

ARTICLE 10.0

USE STANDARDS – COMMERCIAL USES

Section 10.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 10.02 Accessory COMMERCIAL USES.

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such accessory COMMERCIAL USES shall be incidental and subordinate to the principal use(s) of the site. Such accessory uses, except temporary outdoor sales, shall be located and maintained primarily for use by the occupants of the building or employees of the principal use(s), and not for the general public.
2. Such accessory uses, except temporary outdoor sales, shall be located in the building(s) containing the permitted principal use(s) that will be served. No additional permanent signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Not more than twenty percent (20%) of the usable floor area of each principal building shall be occupied by any accessory COMMERCIAL USES.
4. Temporary outdoor sales shall be subject to the following additional standards:
 - a. Such sales shall be located outside of any road right-of-way, corner clearance area, required yard setback, landscape strip, and transition buffer.
 - b. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.

- c. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
- d. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of 30 days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of 60 days per calendar year.

Section 10.03 Amusement Center.

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 10.410 (Outdoor Sales or Display Areas).

Section 10.04 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

1. In the LI (Industrial-Research) District, the principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than twenty percent (20%) of the usable floor area occupied by the principal use.
2. In the Business Districts, the principal use of the premises shall be the preparation and on-site retail sales of bakery products. Distribution of products to off-site locations shall be permitted as an accessory use, provided that such activities remain incidental and subordinate to the principal use of the premises.

Section 10.05 Big Box COMMERCIAL USES.

"Big-Box" stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:

1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
 - a. Sites shall have frontage on a state highway or primary road as classified by the master transportation plans of the Township, or county or state

road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

- b. A traffic impact study and proposed mitigation measures shall be required.
2. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 10.06 Car Washes.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

1. The minimum lot area for such facilities shall be 10,000 square feet.
2. All washing activities must be carried on within a building. Vacuuming activities shall be limited to the rear yard and shall be set back a minimum of 50 feet from any abutting Residential Districts or existing RESIDENTIAL USES.
3. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way. All maneuvering areas and stacking lanes shall be located within the car wash lot.
4. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
5. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
6. The Planning Commission may limit hours of operation where such facilities are adjacent to existing RESIDENTIAL USES.
7. Screening shall be provided for adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

Section 10.07 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
 - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
 - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be provided for adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
4. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
7. Menu boards may be installed and maintained for the drive-through facility, subject to the following:
 - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.
 - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

Section 10.08 Motion Picture Cinema.

Indoor or outdoor motion picture cinemas shall be subject to the following:

A. General Requirements.

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening)
2. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities with a seating capacity of over 500 persons.

B. Additional Outdoor Cinema Requirements.

All outdoor cinemas and drive-in theaters shall conform to the following:

1. The lot shall be located at least 500 feet from any Residential Districts or existing RESIDENTIAL USES.
2. The premises shall be enclosed with a solid screen fence eight (8) feet in height. Signs or other advertising material shall not be placed on the fence in a manner visible from adjacent lots and road rights-of-way.
3. All points of entrance or exit shall be located no closer than 250 feet to any road intersection, as measured to the nearest intersection of right-of-way lines.
4. Stacking space shall be provided on-premises for 50 waiting vehicles to stand at the entrance to the facility.
5. The theater screen shall not be visible to a public road, or any Residential Districts or existing RESIDENTIAL USES.
6. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

Section 10.09 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

A. General Standards.

1. Such uses shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be 15,000 square feet, and the minimum lot width for such uses shall be 120 feet.
3. Hydraulic hoist, service pits, lubricating, greasing, and repair equipment and operations shall be located within a completely enclosed structure(s).
4. The Planning Commission may limit hours of operation and outdoor activities where such facilities are adjacent to existing RESIDENTIAL USES.
5. Motor vehicles sales shall be prohibited, except where the facility is accessory to a permitted dealership showroom or outdoor dealership sales lot.
6. Open service bays and overhead doors shall not face towards any adjacent Residential Districts and RESIDENTIAL USES.
7. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
8. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan, and shall conform to the requirements of Section 10.10 (Outdoor Sales or Display Areas). Any outdoor vehicle repair or servicing areas shall be limited to areas identified on an approved final site plan.

B. Pollution Prevention.

In addition to the requirements contained in Article 17.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 17.0 (Site Plan Review), the site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

1. Pump islands shall be located outside of all required yard setbacks, and so arranged that ample space is available for motor vehicles that are required to wait.
2. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.
3. The pump island canopy shall be architecturally compatible with the principal building and the surrounding area, as determined by the Planning Commission based on consistency with one (1) or more of the following criteria:
(amended by ord. no 79C eff. January 29, 2016)
 - a. Unified color scheme;
(amended by ord. no 79C eff. January 29, 2016)
 - b. Consistent use of building materials;
(amended by ord. no 79C eff. January 29, 2016)
 - c. Coordinated use of architectural design elements; or
(amended by ord. no 79C eff. January 29, 2016)
 - d. Other relevant factors as accepted by the Planning Commission.
(amended by ord. no 79C eff. January 29, 2016)
4. All lighting fixtures under the canopy shall be fully recessed into the canopy structure (see illustration). The Planning Commission may permit a maximum intensity of 30.0 footcandles for lighting directly under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Ordinance requirements for exterior lighting.
(amended by ord. no 79C eff. January 29, 2016)

D. Vehicle Access.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance nearby buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 25 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 50 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

E. Incidental Outdoor Storage.

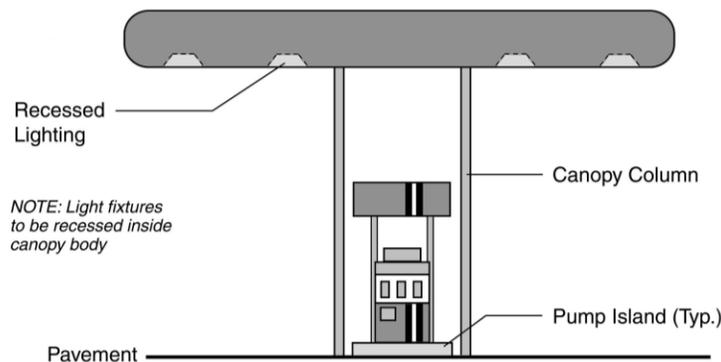
Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 16.10F (Loading, Storage, and Service Area Screening).
2. Such storage shall not occur in front of the front building line.
3. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

F. Combined Uses.

Where motor vehicle service centers, repair stations or fueling stations are combined with a car wash, retail store, food service establishment, drive-through lane, or other permitted land uses, the regulations of this Ordinance for each land use shall apply to the site.

ILLUSTRATION



Pump Island Canopy Lighting

Section 10.10 Outdoor Cafes and Eating Areas.

Outdoor seating and/or service when associated with a restaurant shall be subject to required approvals from the Bay County Environmental Health Division and the following:

1. The site plan shall indicate the area for and location of all outdoor seating. No such seating shall be located in a required yard setback.
2. Parking shall be provided for seating in an outdoor seating area per Article 14.0 (Off-Street Parking and Loading).
3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.

4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Noise levels from music or any other amplified sound shall not exceed 65 decibels at any lot boundary or right-of-way.
6. Signs shall not be permitted beyond those allowed for the principal use.

Section 10.11 Outdoor Sales or Display Areas.

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way.
2. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within any required side or rear yard setback area, or within 50 feet of any Residential Districts and existing RESIDENTIAL USES.
3. **Hours of operation.** Where the use abuts any Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.
4. **Exterior lighting and signs.** Exterior lighting shall conform to the standards of this Ordinance for exterior lighting. Additional signs shall not be permitted beyond those permitted for the principal use.
5. **Pedestrian access.** The proposed activity shall be located and designed so as to ensure safe pedestrian access.
6. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.
7. **Screening.** Such sales or display area shall be screened from adjacent Rural Districts, Residential Districts in accordance with Section 16.10D (Methods of Screening).